

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSE AND MAXIMO COLON,

Plaintiffs

09 CV 0008 (JBW) (CLP)

09 CV 0009 (JBW) (CLP)

v.

CITY OF NEW YORK, HENRY TAVAREZ
STEVEN ANDERSON, et al.

Defendants.

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STATEMENT OF DAMAGES AS TO PLAINTIFFS
AND SUPPORTING DOCUMENTATION¹

JOSE AND MAXIMO COLON AND PLAZA MEAT MARKET:

ACTUAL EARNINGS RANGE PER WEEK: \$13,000 TO \$15,000.

AVERAGE EARNINGS PER WEEK WHEN COLONS BOUGHT THE STORE ON DEC. 13,
2007: \$13,000.

PAYMENTS BY PLAINTIFFS TO SELLER ARE AS FOLLOWS ON PURCHASE PRICE OF
\$250,000. FOR BUSINESS:

OWNER OF PREMISES PERMITTED LEASE ASSIGNMENT FOR STORE WITH JOSE
COLON AS PERSONAL GUARANTOR.

OWNER OF BUSINESS SOLD BUSINESS ON SAID PREMISES TO COLON ESPINAL
CORPORATION WITH JOSE COLON AS PERSONAL GUARANTOR.

1. \$25,000 ON CONTRACT;
2. \$57,000 DOWN PAYMENT;
3. \$15,000 FOR ADDITIONAL INVENTORY PAID TO VENDORS
THROUGH SELLER;
4. NOTE 2 PAYMENT OWED BY PLAINTIFFS: \$6,167 PER MONTH.

¹ Because most if not all of the supporting documents which are supportive of Plaintiffs' damages contain sensitive and personal information such as Social Security information, copies will be provided to the Court by mail and not by ECF.

BASED ON THE ABOVE (AND SEE ATTACHED REPORT PREPARED BY FRANCIS C. DEVITO, C.P.A.),

- a- ANTICIPATED ANNUAL OWNER PROFIT: \$53,000 AFTER WAGES PAID.
- b- ANTICIPATED TOTAL ANNUAL RETURN: \$128,000.
- c- TOTAL LOSS INCURRED INCLUDING LEGAL AND PROFESSIONAL FEES: \$1,620,467.72.

NOTE APPLICATIONS FOR LICENSING FOR BEER, CIGARETTES, FOOD PREPARATION, LOTTERY etc. WERE EITHER DENIED, HELD IN ABEYANCE OR UNABLE TO BE PROCESSED DUE TO PLAINTIFFS' PENDING FELONY DRUG CHARGES. The six months that were expended waiting for the charges to be dismissed cost Plaintiffs their entire inheritance, which they invested in the business. They grew up working in family delis from childhood.

EMOTIONAL DAMAGES / PAIN AND SUFFERING:

AS A RESULT OF THEIR ARREST, PLAINTIFF JOSE COLON WAS INCARCERATED FOR APPROXIMATELY 36 HOURS AND PLAINTIFF MAXIMO COLON WAS INCARCERATED FOR APPROXIMATELY 48 HOURS.

PLAINTIFFS WERE EVALUATED AND TESTED BY FORENSIC PSYCHOLOGIST MARC JANOSON, PH.D., WHO DIAGNOSED EACH OF THEM WITH POST-TRAUMATIC STRESS DISORDER (SEE REPORT PREPARED BY MARC JANOSON, PH.D.).

PLAINTIFFS REQUEST THAT THE COURT DETERMINE AN APPROPRIATE COMPENSATION FOR THEIR PAIN AND SUFFERING.

APPROXIMATE ATTORNEY AND PROFESSIONAL FEES TO DATE:

PROFESSIONAL FEES:

PAUL IADANZA, C.P.A.: \$1,500.00
FRANCIS C. DEVITO, C.P.A.: \$6,733.35
MARC JANOSON, PH.D.: \$7,500.00²

TOTAL PROFESSIONAL FEES: \$15,733.75

APPROXIMATE ATTORNEY FEES: \$200,000.00

² This amount constitutes a settlement fee on expert's \$14,897.00 invoice.

APPROXIMATE DISBURSEMENTS TO DATE:

DEPOSITION FEES: \$2,021.50

COURT TRANSCRIPTS: \$382.64

FILING FEES: \$700.00

PROCESS SERVICE: \$315.00

ADMINISTRATIVE COSTS (POSTAGE, FED EX, SUPPLIES): \$407.83

APPROXIMATE TOTAL OF DISBURSEMENTS: \$3,826.97

Dated: Queens, New York
October 8, 2010

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